

**BUSINESS MEETING TO CONSIDER THE SELECT
COMMITTEE'S FINAL REPORT**

MEETING

OF THE

**SELECT COMMITTEE TO
INVESTIGATE THE JANUARY 6TH
ATTACK ON THE
UNITED STATES CAPITOL
HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTEENTH CONGRESS**

SECOND SESSION

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Attack On the United States Capitol



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THE UNITED STATES CAPITOL

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BUSINESS MEETING TO CONSIDER THE SELECT COMMITTEE'S FINAL REPORT

Monday, December 19, 2022

U.S. HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE TO INVESTIGATE THE JANUARY 6TH
ATTACK ON THE UNITED STATES CAPITOL,
Washington, DC.

The Committee met, pursuant to notice, at 1:07 p.m., in the Speaker Nancy Pelosi Caucus Room, room 390, Cannon House Office Building, Hon. Bennie G. Thompson (Chairman of the Committee) presiding.

Present: Representatives Thompson, Cheney, Lofgren, Schiff, Aguilar, Murphy, Raskin, Luria, and Kinzinger.

Chairman THOMPSON. A quorum being present, the Select Committee to Investigate the January 6th Attack on the United States Capitol will be in order.

Without objection, the Chair is authorized to declare the Committee in recess at any point.

Pursuant to House Deposition Authority Regulation 10, the Chair announces the Committee's approval to release the deposition material presented during today's meeting and, further, its approval to release deposition material that accompanies the release of the Select Committee's final report.

Good afternoon, and may God bless the United States of America.

To cast a vote in the United States is an act of faith and hope. When we drop that ballot in the ballot box, we expect the people named on the ballot are going to uphold their end of the deal. The winner swears an oath and upholds it. Those who come up short ultimately accept the results and abide by the rule of law.

That faith in our system is the foundation of American democracy. If the faith is broken, so is our democracy.

Donald Trump broke that faith. He lost the 2020 election and knew it. But he chose to try to stay in office through a multi-part scheme to overturn the results and block the transfer of power.

In the end, he summoned a mob to Washington and, knowing they were armed and angry, pointed them to the Capitol and told them to "fight like hell." There is no doubt about this.

This afternoon, my colleagues will present our key findings, reminding you of some of the information we presented in earlier hearings and telling you how it fits in our broader conclusions.

Those conclusions have helped shape the Committee's final report, which we will adopt today pursuant to House Resolution 503, which established the Select Committee nearly a year-and-a-half

ago. I expect our final work will be filed with the Clerk of the House and made public later this week.

Beyond that release, the Select Committee intends to make public the bulk of its nonsensitive records before the end of the year. These transcripts and documents will allow the American people to see for themselves the body of evidence we have gathered and continue to explore the information that has led us to our conclusions.

This Committee is nearing the end of its work, but, as a country, we remain in strange and uncharted waters. We have never had a President of the United States stir up a violent attempt to block the transfer of power.

I believe, nearly 2 years later, this is still a time of reflection and reckoning. If we are to survive as a Nation of laws and democracy, this can never happen again.

How do we stop it?

This Committee will lay out a number of recommendations in its final report, but beyond any specific details and recommendations we present, there is one factor I believe is most important in preventing another January 6th: accountability.

So, today, beyond our findings, we will also show that evidence we have gathered points to further action beyond the power of this Committee or the Congress to help ensure accountability under law, accountability that can only be found in the criminal justice system.

We have every confidence that the work of this Committee will help provide a road map to justice and that the agencies and institutions responsible for ensuring justice under the law will use the information we have provided to aid in their work.

For those of you who have followed this Committee's work, I hope we have helped make clear that there is a broader kind of accountability—accountability to all of you, the American people.

The future of our democracy rests in your hands. It is up to the people of this country to decide who deserves the public trust, who will put fidelity to the Constitution and democracy above all else, who will abide by the rule of law no matter the outcome.

I am grateful to the millions of you who have followed this Committee's work. I hope we lived up to our commitment to present the facts and let the facts speak for themselves.

Let me say in closing, the women and men seated around me on this dais are public servants in the most genuine sense. They have put aside politics and partisanship to ensure the success of this Committee in providing answers to the American people.

I especially want to thank and acknowledge our Vice Chair, who has become a true partner in this bipartisan effort, Ms. Cheney of Wyoming.

I also recognize her for any opening statement that she would care to offer.

Vice Chair CHENEY. Thank you very much, Mr. Chairman. Thank you for your tremendous leadership of this Committee. I know we all have benefited greatly from your wisdom and your wise counsel, so thank you very much.

In April of 1861, when Abraham Lincoln issued the first call for volunteers for the Union Army, my great-great-grandfather, Samuel Fletcher Cheney, joined the 21st Ohio Volunteer Infantry.

He fought through all 4 years of the Civil War, from Chickamauga, to Stones River, to Atlanta. He marched with his unit in the Grand Review of Troops up Pennsylvania Avenue in May of 1865 past a reviewing stand where President Johnson and General Grant were seated.

Silas Canfield, the regimental historian of the 21st Ohio Volunteer Infantry, described the men in the unit this way. He said, "They had a just appreciation of the value and advantage of free government and the necessity of defending and maintaining it. And they enlisted, prepared to accept all the necessary labors, fatigues, exposures, dangers, and even death, for the unity of our Nation and the perpetuity of our institutions."

I have found myself thinking often, especially since January 6th, of my great-great-grandfather and all those in every generation who have sacrificed so much for the unity of our Nation and the perpetuity of our institutions.

At the heart of our Republic is the guarantee of the peaceful transfer of power. Members of Congress are reminded of this every day as we pass through the Capitol Rotunda. There, eight magnificent paintings detail the earliest days of our Republic.

One, painted by John Trumbull, depicts the moment in 1783 when George Washington resigned his commission, handing control of the Continental Army back to Congress. Trumbull called this "one of the highest moral lessons ever given the world." With this noble act, George Washington established the indispensable example of the peaceful transfer of power in our Nation.

Standing on the West Front of the Capitol in 1981, President Ronald Reagan described it this way: "The orderly transfer of authority, as called for in the Constitution, routinely takes place, as it has for almost two centuries, and few of us stop to think how unique we really are. In the eyes of many in the world, this every-four-year ceremony that we accept as normal is nothing less than a miracle."

Every President in our history has defended this orderly transfer of authority—except one. January 6, 2021, was the first time one American President refused his constitutional duty to transfer power peacefully to the next.

In our work over the last 18 months, the Select Committee has recognized our obligation to do everything we can to ensure this never happens again.

At the beginning of our investigation, we understood that tens of millions of Americans had been persuaded by President Trump that the 2020 election was stolen by overwhelming fraud. We also knew this was flatly false.

We knew that dozens of the State and Federal judges had addressed and resolved all manner of allegations about the election. Our legal system functioned as it should, but our President would not accept the outcome.

Among the most shameful of this Committee's findings was that President Trump sat in a dining room off the Oval Office watching the violent riot at the Capitol on television. For hours, he would not issue a public statement instructing his supporters to disperse and leave the Capitol despite urgent pleas from his White House staff and dozens of others to do so. Members of his family, his

White House lawyers, virtually all those around him, knew that this simple act was critical. For hours, he would not do it.

During this time, law enforcement agents were attacked and seriously injured, the Capitol was invaded, the electoral count was halted, and the lives of those in the Capitol were put at risk.

In addition to being unlawful, as described in our report, this was an utter moral failure and a clear dereliction of duty. Evidence of this can be seen in the testimony of President Trump's own White House Counsel and several other White House witnesses.

No man who would behave that way at that moment in time can ever serve in any position of authority in our Nation again. He is unfit for any office.

The Committee recognizes that our work has only begun; it is only the initial step in addressing President Trump's effort to remain in office illegally. Prosecutors are considering the implications of the conduct that we describe in our report, as are citizens all across our Nation.

In 1761, John Adams wrote, "The very ground of our liberties is the freedom of elections. Faith in our elections and the rule of law is paramount to our Republic." Election deniers, those who refuse to accept lawful election results, purposely attack the rule of law and the foundation of our country.

The history of our time will show that the bravery of a handful of Americans doing their duty saved us from an even more grave constitutional crisis. Elected officials, election workers, and public servants stood against Donald Trump's corrupt pressure.

Many of our Committee's witnesses showed selfless patriotism, and their words and courage will be remembered. The brave men and women of the Capitol Police, the Metropolitan Police, and all the other law enforcement officers who fought to defend us that day saved lives and our democracy.

Finally, I wish to thank my colleagues on this Committee. It has been a tremendous honor to serve with all of you. We have accomplished great and important things together, and I hope we have set an example.

I also want to thank all of those who have honorably contributed to the work of our Committee and to our report. We have accomplished much over a short period of time. Many of you sacrificed for the good of our Nation. You have helped make history and, I hope, helped to right the ship.

Thank you, Mr. Chairman. I yield back.

Chairman THOMPSON. The gentlewoman yields back.

As you know, this is our final meeting of our Committee. Over the course of the last year-and-a-half, we have presented evidence in nine public hearings, testimony from our brave law enforcement officers, senior White House and campaign officials, and many others. Today, we are prepared to share our final findings with you.

But before we do so, it is important to remember what we have learned and, critically, exactly what happened at the United States Capitol on January 6th.

Without objection, I include in the record a video presentation of some of the key evidence our investigation has uncovered.

Officer EDWARDS. There were officers on the ground. They were bleeding. They were throwing up. I mean, I saw friends with blood all over their faces. I was slipping in people's blood.

Officer FANONE. As I was swarmed by a violent mob, they ripped off my badge. They grabbed and stripped me of my radio. They seized ammunition that was secured to my body. They began to beat me with their fists and with what felt like hard metal objects.

Mr. STONE. The key thing to do is to claim victory. No, we won. Fuck you. Sorry. Over. We won. You're wrong. Fuck you.

Attorney General BARR. Right out of the box on election night, the President claimed that there was major fraud underway. I mean, this happened, as far as I could tell, before there was actually any potential of looking at evidence.

Mr. STEPIEN. I didn't think what was happening was necessarily honest or professional at that point in time. So that led to me stepping away.

Mr. MORGAN. Generally discussed on that topic was whether the fraud, maladministration, abuse, or irregularities, if aggregated and read most favorably to the campaign, would that be outcome-determinant? And I think everyone's assessment in the room, at least amongst the staff—Marc Short, myself, and Greg Jacob—was that it was not sufficient to be outcome-determinative.

Secretary of Labor SCALIA. I told him that I did believe, yes, that once those legal processes were run, if fraud had not been established that had affected the outcome of the election, then, unfortunately, I believed that what had to be done was concede the outcome.

Ms. LOFGREN. What were the chances of President Trump winning the election?

Mr. STIREWALT. After that point?

Ms. LOFGREN. Yes.

Mr. STIREWALT. None.

President TRUMP. So what are we gonna do here, folks? I only need 11,000 votes. Fellas, I need 11,000 votes. Give me a break.

Mr. RAFFENSPERGER. The numbers are the numbers. The numbers don't lie. We had many allegations, and we investigated every single one of them.

Mr. SCHIFF. Did one of them make a comment that they didn't have evidence but they had a lot of theories?

Mr. BOWERS. That was Mr. Giuliani.

Mr. SCHIFF. And what exactly did he say, and how did that come up?

Mr. BOWERS. My recollection, he said, "We've got lots of theories. We just don't have the evidence."

You are asking me do something that has never been done in history, the history of the United States, and I am going to put my State through that without sufficient proof?

Mr. GIULIANI. There is a tape earlier in the day of Ruby Freeman and Shaye Freeman Moss and one other gentleman quite obviously surreptitiously passing around USB ports as if they are vials of heroin or cocaine.

Mr. SCHIFF. In one of the videos we just watched, Mr. Giuliani accused you and your mother of passing some sort of USB drive to each other. What was your mom actually handing you on that video?

Ms. MOSS. A ginger mint.

Ms. FREEMAN. Do you know how it feels to have the President of the United States target you? The President of the United States is supposed to represent every American, not to target one.

Attorney General BARR. I made it clear I did not agree with the idea of saying the election was stolen and putting out this stuff which I told the President was bullshit.

Acting Attorney General ROSEN. He wanted to talk about that he thought the election had been stolen or was corrupt and that there was widespread fraud. And I had told him that our reviews had not shown that to be the case.

Mr. DONOGHUE. And I said something to the effect of, "Sir, we've done dozens of investigations, hundreds of interviews. The major allegations are not supported by the evidence developed."

Mr. CIPOLLONE. Well, my first thought was, this is a terrible idea. Jeff Clark cannot be installed as Acting Attorney General of the United States.

Mr. HEAPHY. You ultimately told us that you described this meeting as a—or, not this meeting—the Georgia letter that was proposed as an F'ing murder-suicide pact. Do you remember using the term "murder-suicide pact"?

Mr. CIPOLLONE. Yes.

CROWD. Hang Mike Pence! Hang Mike Pence!

Mr. HEAPHY. Was it your impression that the Vice President had directly conveyed his position on these issues to the President, not just to the world through a dear-colleague letter, but directly to President Trump?

Mr. SHORT. Many times.

Mr. CIPOLLONE. My view is that the Vice President didn't have the legal authority to do anything except what he did.

Mr. HERSCHMANN. And I said to him, "Hold on a second. I want to understand what you're saying. You're saying that you believe the Vice President, acting as President of the Senate, can be the sole decision maker as to, under your theory, who becomes the next President of the United States?" And he said, "Yes." And I said, "Are you out of your F'ing mind?"

Mr. JASON MILLER. The President was—you know, all the attention was on what Mike would do or what Mike wouldn't do.

Mr. WOOD. There is a telephone conversation between the President and the Vice President; is that correct?

VOICE. Yes.

Ms. TRUMP. The conversation was pretty heated.

Mr. TONOLLI. I apologize for being impolite, but do you remember what she said her father called him?

Ms. RADFORD. The P word.

CROWD. Bring out Pence! Bring out Pence!

Ms. MATTHEWS. It was clear that it was escalating and escalating quickly.

CROWD. Hang Mike Pence! Hang Mike Pence!

Ms. MATTHEWS. So, then, when that tweet, the Mike Pence tweet, was sent out, I remember us saying that that was the last thing that needed to be tweeted at that point. It felt like he was pouring gasoline on the fire by tweeting that.

VOICE. They've gained access to the second floor, and I've got public about 5 feet from me down below.

VOICE. OK, copy. They are on the second floor. Moving in now. We may want to consider getting out and leaving now. Copy?

WHITE HOUSE SECURITY OFFICIAL. The members of the VP detail at this time were starting to fear for their own lives. There were calls to say goodbye to family members, so on and so forth.

Mr. AGUILAR. Approximately 40 feet, that's all there was, 40 feet, between the Vice President and the mob.

Mr. LUTTIG. Donald Trump and his allies and supporters are a clear and present danger to American democracy.

Mr. HARVIN. We got derogatory information from OSINT suggesting that some very, very violent individuals were organizing to come to D.C.

Ms. HUTCHINSON. As Mr. Giuliani and I were walking to his vehicles that evening, he looked at me and said something to the effect of, "Cass, are you excited for the 6th? It's going to be a great day." I remember looking at him and saying, "Rudy, could you explain what's happening on the 6th?" And he had responded something to the effect of, "We're going to the Capitol. It's going to be great. The President's going to be there. He's going to look powerful."

VOICE. We were invited by the President of the United States!

Mr. BARBER. He personally asked for us to come to D.C. that day. And I thought, for everything he's done for us, if this is the only thing he's going to ask of me, I'll do it.

Mr. AYRES. Well, basically, you know, the President, you know, got everybody riled up, told everybody to head on down. So we basically were just following what he said.

VOICE. We've lost the line. We've lost the line. All PD, get back.

Mrs. LURIA. Within 15 minutes of leaving the stage, President Trump knew that the Capitol was besieged and under attack.

Vice Chair CHENEY. So are you aware of any phone call by the President of the United States to the Secretary of Defense that day?

Mr. CIPOLLONE. Not that I'm aware of, no.

Vice Chair CHENEY. Are you aware of any phone call by the President of the United States to the Attorney General of the United States that day?

Mr. CIPOLLONE. No.

Vice Chair CHENEY. Are you aware of any phone call by the President of the United States to the Secretary of Homeland Security that day?

Mr. CIPOLLONE. I am not aware of that, no.

Mr. GEORGE. Did you ever hear the President ask—

General KELLOGG. No.

Mr. GEORGE. [continuing]. For the National Guard?

General KELLOGG. No.

Mr. GEORGE. Did you ever hear the President ask for a law enforcement response?
General KELLOGG. No.

General MILLEY. You've got an assault on the Capitol of the United States of America, and there's nothing? No call? Nothing? Zero?

CROWD. Hang Mike Pence! Hang Mike Pence!

Ms. HUTCHINSON. I remember Pat saying something to the effect of, "Mark, we need to do something more. They're literally calling for the Vice President to be F'ing hung." And Mark had responded something to the effect of, "You heard him, Pat. He thinks Mike deserves it. He doesn't think they're doing anything wrong."

Vice Chair CHENEY. Who on the staff did not want people to leave the Capitol?

Mr. CIPOLLONE. On the staff?

Vice Chair CHENEY. In the White House.

Mr. CIPOLLONE. I can't think of anybody, you know, on that day who didn't want people to get out of the Capitol, you know, particularly once the violence started. No. I mean—

Mr. SCHIFF. What about the President?

Vice Chair CHENEY. Yes.

Mr. CIPOLLONE. Well, she said the staff, so I answered—

Vice Chair CHENEY. No, I said in the White House.

Mr. CIPOLLONE. Oh, I'm sorry. I apologize. I thought you said who else on the staff.

I can't reveal communications. But, obviously, I think, you know—yes.

Mr. HERSCHMANN. I said, "Good, John. Now I'm going to give you the best free legal advice you're ever getting in your life. Get a great F'ing criminal defense lawyer. You're gonna need it."

Vice Chair CHENEY. General Flynn, do you believe in the peaceful transition of power in the United States of America?

General FLYNN. The Fifth.

VOICE. We've got another officer unconscious at the Terrace, West Terrace.

President TRUMP. I don't want to say the election's over. I just want to say Congress has certified the results without saying the election's over, OK?

Chairman THOMPSON. The Chair now recognizes the gentlewoman from California, Ms. Lofgren, for an opening statement.

Ms. LOFGREN. Thank you, Mr. Chairman.

Over the last 18 months, the Select Committee has conducted a congressional investigation of enormous scale seeking to uncover the depth and breadth of ex-President Trump's multi-part plan to reverse the lawful outcome of the 2020 Presidential election. We have compiled an immense volume of documents collected from countless individuals, law enforcement agencies, and Federal and State authorities.

Many of our efforts to get the evidence required litigation in Federal court, including the U.S. Supreme Court. We have taken the testimony of hundreds of witnesses. While we couldn't show them all during the hearings, we focused on those who were most central, including our ex-President's White House aides, his senior Department of Justice officials, and senior members of his campaign.

Based on this assembled evidence, the Select Committee has reached a series of specific findings. Now, many of these findings pertain to what has been called the "Big Lie"—the enormous effort, led by ex-President Trump, to spread baseless accusations and misinformation in an attempt to falsely convince tens of millions of Americans that the election had been stolen from him.

Beginning even before the election and continuing through January 6th and thereafter, Donald Trump purposely disseminated false allegations of fraud in order to aid his effort to overturn the 2020 election.

Ex-President Trump's decision to declare victory falsely on election night wasn't a spontaneous decision; it was premeditated. The Committee has evidence that ex-President Trump planned to de-

clare victory and to unlawfully call for the vote-counting to stop and that he told numerous allies about his intent in the weeks before the election.

The Committee found that Mr. Trump raised hundreds of millions of dollars with false representations made to his on-line donors. The proceeds from his fundraising, we have learned, have been used in ways that we believe are concerning. In particular, the Committee has learned that some of those funds were used to hire lawyers.

We have also obtained evidence of efforts to provide or offer employment to witnesses. For example, one lawyer told a witness the witness could in certain circumstances tell the Committee that she didn't recall facts when she actually did recall them. That lawyer also did not disclose who was paying for the lawyer's representation, despite questions from the client seeking that information. He told her, "We are not telling people where funding is coming from right now."

We have learned that a client was offered potential employment that would make her "financially very comfortable" as the date of her testimony approached by entities that were apparently linked to Donald Trump and his associates. These offers were withdrawn or didn't materialize as reports of the content of her testimony circulated. The witness believed this was an effort to affect her testimony, and we are concerned that these efforts may have been a strategy to prevent the Committee from finding the truth.

Throughout the post-election period, ex-President Trump was told repeatedly by his campaign advisors, Government officials, and others there was no evidence to support his claims of election fraud.

Even since our last hearing, the Select Committee has obtained testimony from new witnesses who have come forward to tell us about their conversations with ex-President Trump on this topic. Here is one of his senior advisors, Hope Hicks.

Ms. HICKS [continuing]. Seeing evidence of fraud on a scale that would have impacted the outcome of the election. And I was becoming increasingly concerned that we were damaging—we were damaging his legacy.

Mr. WOOD. What did the President say in response to what you just described?

Ms. HICKS. He said something along the lines of, you know, "Nobody will care about my legacy if I lose, so that won't matter. The only things that matters is winning."

Ms. LOFGREN. Despite all that, he continued to purposely and maliciously make false claims, sometimes within a day of being told that a particular claim was false and unsupported by the evidence.

By the time the electoral college met to cast its votes on December 14, 2020, a number of President Trump's senior staff, Cabinet officials, and members of his family were urging him to facilitate a peaceful transition to the incoming administration. He disregarded their advice, and he continued to claim publicly that the election had been stolen from him.

Numerous State and Federal courts evaluated and rejected the Trump campaign's claims of voter fraud, including 11 judges appointed by ex-President Trump himself. Many of these courts issued scathing opinions criticizing the lack of evidence that ex-President Trump and his allies had advanced to support their claims.

Numerous individuals associated with these efforts have since acknowledged that they were unable to find sufficient evidence of fraud to affect the election results, including in testimony to this Select Committee.

Still, ex-President Trump repeated those false claims and tried to convince his supporters the election was stolen. This was an attempt to justify overturning the lawful election results.

Donald Trump knowingly and corruptly repeated election fraud lies, which incited his supporters to violence on January 6th. He continues to repeat his meritless claim that the election was stolen even today and continues to erode our most cherished and shared belief in free and fair elections.

Mr. Chairman, I yield back.

Chairman THOMPSON. The gentlewoman yields back.

The Chair recognizes the gentleman from California, Mr. Schiff, for an opening statement.

Mr. SCHIFF. Thank you, Mr. Chairman.

Building on his constant repetition of the Big Lie, President Trump engaged in an unprecedented effort to obstruct the joint session on January 6th, the proceeding where his electoral loss would be certified by Congress.

This effort began in part in the States, which hold, count, and ultimately determine the winners of Presidential elections. Many State officials were targeted by President Trump and his campaign: the local election workers he accused baselessly of election fraud, the State officials he pressured to stop the count or to find votes that didn't exist, and the State legislative officials he urged to disregard the popular will of the voters and their oath of office in order to name him the winner instead.

Here are the Select Committee findings about President Trump's State pressure campaign.

President Trump and his enablers repeatedly pressured State officials to take action to overturn the results of the election. The most dramatic example of this campaign of coercion was the President's January 2, 2021, call to Georgia Secretary of State Brad Raffensperger in which the President urged the secretary to "find 11,780 votes" he needed to change the outcome in that State.

During that call, President Trump again repeated conspiracy theories about the election that his own appointees at the Department of Justice had already debunked. Trump also made what Secretary Raffensperger accurately considered a threat, suggesting that Raffensperger and his attorney could be subject to criminal prosecution if they didn't follow through with his demands.

Then, in repeated telephone calls and in-person meetings, Donald Trump pressured State elections officials and State legislators to alter official election results.

But courageous public servants, including Republicans like Rusty Bowers, held firm and refused to put Donald Trump over their oath to the Constitution.

When Donald Trump's pressure campaign did not achieve the results he wanted, he oversaw an effort to obtain and transmit false electoral college ballots to Congress and the National Archives. The false ballots were created by fake Republican electors on December

14th, at the same time the actual certified electors in those States were meeting to cast their votes for President Biden.

By that point in time, election-related litigation was over in all or nearly all of these States, and Trump campaign election lawyers realized that the fake slates were unjustifiable on any grounds and may be unlawful.

In spite of these concerns and the concerns of individuals in the White House Counsel's Office, President Trump and others proceeded with this plan. The Select Committee has developed evidence that these intentionally false documents were transmitted to multiple officers of the Federal Government and were intended to interfere with the proper conduct of the joint session, where the existence of so-called "competing slates" of electors would serve as a pretext for legitimate electoral votes to be rejected.

President Trump repeatedly attacked State and local officials who refused to do his bidding, as well as local elections workers who he baselessly accused of fraud.

As Ruby Freeman and the testimony of other elections officials so powerfully demonstrated, the people who drew President Trump's ire or were the subject of his lies faced real-world consequences, including public harassment and death threats. Some of these elections workers and officials have been forced to leave their homes. Others have been forced to leave the jobs they loved.

Take a listen to Ms. Freeman's story.

Ms. FREEMAN. Now I won't even introduce myself by my name anymore. I get nervous when I bump into someone I know in the grocery store who says my name. I'm worried about who's listening. I get nervous when I have to give my name for food orders. I'm always concerned of who's around me. I've lost my name, and I've lost my reputation.

Mr. SCHIFF. The treatment of Ms. Freeman and her daughter Shaye Moss and so many others around the country was callous, inhuman, inexcusable, and dangerous. Those responsible should be held accountable.

Mr. Chairman, I yield back.

Chairman THOMPSON. The gentleman yields back.

The Chair recognizes the gentleman from Illinois, Mr. Kinzinger, for an opening statement.

Mr. KINZINGER. Thank you, Mr. Chairman.

Certainly one of the many important components of our Federal Government is the Department of Justice. It is the body that is responsible for enforcing our laws and investigating criminal wrongdoing.

For this reason, it is of the utmost importance that our Department of Justice operates as a fair and neutral body that enforces our Federal laws without fear or without favor.

It is this critical function that President Trump sought to corrupt as he sought to use the Department of Justice to investigate and prosecute purported election fraud and to help him convince the public that the election was stolen.

The Select Committee has made the following findings with respect to the Department of Justice.

In the weeks immediately following the 2020 election, Attorney General Bill Barr advised President Trump that the Department of

Justice had not seen any evidence to support Trump's theory that the election was stolen by fraud. No evidence.

Over the course of the three meetings in this post-election period, Attorney General Barr assured President Trump that the Justice Department was properly investigating claims of election fraud. He debunked numerous election fraud claims, many of which the President would then go on to repeat publicly. And he made clear that President Trump was doing "a great, great disservice to the country" by pursuing them.

After Attorney General Barr's resignation, President Trump requested that the acting leadership of the Department, Jeffrey Rosen and Richard Donoghue "just say the election was corrupt, and leave the rest to me and the Republican Congressmen." In other words, just tell a small lie to put the facade of legitimacy on this lie, and the Republican Congressmen and I can distort and destroy and create doubt all ourselves.

Between December 23rd and January 3rd, President Trump called or met with them nearly every day and was told repeatedly that the Department investigations showed no factual support for Trump's fraud allegations. Mr. Rosen and Mr. Donoghue told him that the fraud claims were simply untrue.

As Mr. Rosen and Mr. Donoghue continued to resist, President Trump then tried to install a loyalist named Jeffrey Clark to lead the Department as Acting Attorney General.

On several occasions, Clark met with the President, apparently along with Representative Scott Perry, without authorization, promising to take the actions that Barr, Rosen, and Donoghue had refused to take.

In particular, Mr. Clark intended to send a letter that he had drafted with the help of a political appointee that the White House installed at DOJ with just weeks left in the administration.

Mr. Clark intended to send the letter to officials in numerous States, informing them, falsely of course, that the Department had identified "significant concerns" about the election result in their State and encouraging their State legislatures to come into special session to consider appointing Trump rather than Biden electors.

Here is Acting Deputy Attorney General Donoghue describing his reaction to Mr. Clark's proposed letter.

Mr. DONOGHUE [continuing]. And drafting letters without the knowledge of what the Department had actually done in terms of investigations, that he was being reckless. And I recall toward the end saying, "What you are proposing is nothing less than the United States Justice Department meddling in the outcome of a Presidential election."

Mr. KINZINGER. Knowing that existing Department leadership would not support his false election claims, President Trump offered Mr. Clark the job of Acting Attorney General.

In a dramatic January 3rd meeting in the Oval Office, Rosen, Donoghue, White House Counsel Pat Cipollone, and White House lawyer Eric Herschmann strongly objected to the appointment of Jeffrey Clark as Acting Attorney General.

Mr. Clark pleaded his case and offered to send the letter that he had drafted. The White House Counsel called the Clark letter a "murder-suicide pact."

Numerous White House and Department of Justice lawyers all threatened to resign if Mr. Clark was appointed. Donald Trump would be leading a graveyard. It was only after the threat of mass resignations that President Trump rescinded his offer to Mr. Clark.

Mr. Chairman, I yield back.

Chairman THOMPSON. The gentleman yields back.

The Chair recognizes the gentleman from California, Mr. Aguilar, for an opening statement.

Mr. AGUILAR. Thank you, Mr. Chairman.

Former President Trump's multi-part plan didn't stop with the States or with the Department of Justice. It touched nearly every component of our Federal system, ranging from the courts to Congress, to his own Vice President, Mike Pence.

In the weeks before January 6th, Mr. Trump turned to the man who had served him loyally for 4 years. He embraced an illegal scheme proposed by John Eastman and others, who concocted an unfounded legal theory that the Vice President could reject Joe Biden's electoral votes during the joint session.

When Vice President Pence and many others, including Trump's own lawyer John Eastman, told him, correctly, that this was unlawful, former President Trump spearheaded an unprecedented pressure campaign to coerce him to do it anyway, ultimately culminating in a dangerous threat to Mr. Pence's life on January 6th.

These are the Select Committee's findings with respect to the pressure campaign against the Vice President.

John Eastman admitted in advance of the 2020 election that Mike Pence could not lawfully refuse to count official electoral votes. But he nevertheless devised a meritless proposal that deployed a combination of bogus election fraud claims and the fake electoral ballots to say that Mike Pence, presiding over the joint session, could reject legitimate electoral votes for President-elect Biden.

But, still, President Trump accepted and repeated Eastman's theory and used it to pressure the Vice President to take unlawful action. In multiple heated conversations, President Trump directly pressured Vice President Pence to adopt the Eastman theory and either reject the electors or send them back to the State legislatures.

The Vice President consistently resisted and repeatedly told the President that he did not possess the authority to do what President Trump directed.

This culminated in an angry phone call on the morning of January 6th between President Trump and Vice President Pence during which the former President repeatedly berated Mr. Pence by cursing and leveling threats.

White House staffer Nick Luna was one of the many witnesses who heard the call as it happened. Take a listen to Mr. Luna's testimony.

Mr. GEORGE. Did you hear any part of the phone call, even if just the end that the President was speaking from?

Mr. LUNA. I did, yes.

Mr. GEORGE. All right. And what did you hear?

Mr. LUNA. So, as I was dropping off the note, my memory—I remember hearing the word “wimp.” Either he called him a wimp—I don't remember if he said, “You are a wimp,” “You'll be a wimp.” “Wimp” is the word I remember. And something

to the effect—this is—the wording is wrong—“I made the wrong decision 4 or 5 years ago.”

Mr. AGUILAR. In the face of the Vice President’s resistance, the former President and others exerted both private and public pressure to change his mind. In his speech on the Ellipse on the afternoon of January 6th, former President Trump told the crowd that Vice President Pence needed the “courage to do what he has to do.”

Once the riot began, President Trump deliberately chose to issue a tweet attacking Mr. Pence, knowing that the crowd had already grown violent.

Almost immediately thereafter, the crowd around the Capitol surged, and between 2:30 and 2:35 p.m. the Metropolitan Police line on the West Front of the Capitol broke. This was the first time in MPD history that a line like this had broken.

Rioters at the Capitol were heard chanting “Hang Mike Pence” through the afternoon.

As a result of this unrest, Vice President Pence was forced to flee to a secure location, where he actively coordinated with law enforcement and other governmental officials to address the on-going violence.

Mr. Chairman, I yield back.

Chairman THOMPSON. The gentleman yields back.

The Chair recognizes the gentlewoman from Florida, Mrs. Murphy, for an opening statement.

Mrs. MURPHY. Thank you, Mr. Chairman.

Ultimately, President Trump did not succeed in bending State and Federal officials to his will. At every turn, State officials, the Department of Justice, Mike Pence, and many others stood up for the rule of law and resisted the President’s wishes. In that way, our American institutions held after the 2020 election.

But that did not stop President Trump. Instead, he turned to his supporters, those who believed his lies about a stolen election. He summoned a crowd to the Nation’s capital on January 6th, hoping that they would pressure Congress to do what he could not do on his own.

The Select Committee has made the following findings on this issue.

Two years ago today, in the early morning hours of December 19th, Donald Trump sent a tweet urging his supporters to travel to Washington for a protest on January 6th. “Be there, will be wild!” he tweeted.

Between December 19th and January 6th, the President repeatedly encouraged his supporters to come to Washington.

The President’s December 19th tweet galvanized domestic violent extremists, including members of the Oath Keepers, the Proud Boys, and organized militia groups. These individuals began organizing to come to the capital in large numbers with the specific intent to use violence to disrupt the certification of the election during the joint session.

Prior to January 6th, the FBI, Secret Service, U.S. Capitol Police, D.C. government, and other law enforcement agencies gathered substantial evidence suggesting the risk of violence at the Capitol during the joint session. These included warnings like the following:

"Their plan is to literally kill people. Please, please take this tip seriously and investigate further."

"President Trump supporters have proposed a movement to occupy Capitol Hill."

"Alert regarding the VP being a dead man walking if he doesn't do the right thing."

"I saw several other alerts saying they will storm the Capitol if he doesn't do the right thing."

In the days leading up to January 6th, President Trump's advisors explicitly told him that he should encourage his supporters to be peaceful that day. But he refused.

One witness, Hope Hicks, provided the Committee with records of her text messages on January 6th. In one exchange with another staffer, he texted her, "Hey. I know you're seeing this. But he," referring to President Trump, "really should tweet something about [b]eing NON-violent."

"I'm not there," Hicks replied. "I suggested it several times Monday and Tuesday and he refused."

When Ms. Hicks came in to provide testimony to the Committee, we asked her about this exchange. Her explanation is that the "he" in this text wasn't the President but, rather, it was Eric Herschmann.

Take a listen to her testimony.

Mr. WOOD. When you wrote, "I suggested it several times"—and the "it" presumably means that the President say something about being non-violent. You wrote, "I suggested it several times Monday and Tuesday and he refused." Tell us what happened.

Ms. HICKS. Sure. I didn't speak to the President about this directly, but I communicated to people like Eric Herschmann that it was my view that it was important that the President put out some kind of message in advance of the event.

Mr. WOOD. And what was Mr. Herschmann's response?

Ms. HICKS. Mr. Herschmann said that he had made the same, you know, recommendation directly to the President and that he had refused.

Mr. WOOD. Just so I understand, Mr. Herschmann said that he had already recommended to the President that the President convey a message that people should be peaceful on January 6th, and the President had refused to do that?

Ms. HICKS. Yes.

Mrs. MURPHY. The public will be able to review this in the transcripts and see the perspective Eric Herschmann gave before we took Hope Hicks's testimony.

Despite having knowledge of the threats of violence presented by the crowd gathered on January 6th, President Trump gave an incendiary speech, declaring without basis that the election had been stolen and encouraging his supporters to "fight like hell."

During the speech and immediately thereafter, President Trump stated his intention to travel to the Capitol with his supporters in an effort to influence the joint session.

The Select Committee has developed evidence indicating that President Trump did, in fact, intend to go to the Capitol on the afternoon of January 6th and that he repeatedly expressed that intention during the afternoon and in the days prior.

Mr. Chairman, I yield back.

Chairman THOMPSON. The gentlewoman yields back.

The Chair recognizes the gentlewoman from Virginia, Mrs. Luria, for an opening statement.

Mrs. LURIA. Thank you, Mr. Chairman.

All of President Trump's efforts came to a head on the afternoon of January 6th. Standing on the stage of the Ellipse, President Trump told tens of thousands of angry supporters that the election was stolen, that they had the power to change that if they marched to the Capitol, and that they wouldn't have a country anymore if the Presidency was taken away from him. He told them he would be there with them. Then, as the crowd descended on the Capitol, President Trump watched it on television.

Despite pleas from his senior advisors, from lawmakers on the Hill, and from his own children, President Trump would not issue a public statement instructing his supporters to disperse and leave the Capitol.

Mr. Trump's failures span the period from 1:10 p.m., when his speech ended and he instructed his supporters to march to the Capitol, to 4:17 p.m., when he finally begrudgingly told his supporters to go home.

For 187 minutes, he actively disregarded his constitutional obligation to take care that the laws are faithfully executed. As we have established through months of investigation, that is because the mob wanted what President Trump wanted: to impede the peaceful transition of power.

These are the Select Committee's findings about President Trump's dereliction of duty.

From the outset of the violence and for several hours that followed, people at the Capitol, people inside President Trump's administration, elected officials of both parties, members of President Trump's own family, and even Fox News commentators who were sympathetic to President Trump all tried to contact the White House to urge him to do one singular thing, the one thing that all of these people immediately understood was required: instruct his supporters to leave the Capitol.

The President repeatedly refused pleas, as he watched the violence at the Capitol on television.

During the day, the President never spoke with National Guard, the Department of Defense, the Department of Justice, or any law enforcement agency. At no point during the day, or any other, did he issue any order to deploy any law enforcement agency to assist.

Multiple witnesses, including President Trump's White House Counsel, testified to these facts. You heard White House employees who had been speaking directly with President Trump state that "he didn't want anything done."

The President was making phone calls that afternoon, but they weren't to law enforcement officials. Rather, President Trump continued to call his lawyer, Rudy Giuliani. Both President Trump and Mr. Giuliani spoke with congressional leaders, even after the violence had begun, to encourage them to continue delaying the session.

Approximately 3 hours after being informed of the violence at the Capitol—hours during which, as our evidence has shown, Donald Trump sat in his dining room and watched the violence on television—the President released a video statement, in which he again repeated that the election was stolen, told his supporters at the Capitol that he loved them, and ultimately suggested that they disperse.

This statement had an immediate impact on elements of the crowd, many of whom have testified that it led them to depart the Capitol.

At 6:01 p.m., President Trump sent his last tweet of the day. He did not condemn the violence. Instead, he attempted to justify it.

"These are the things and events that happen when a sacred landslide election victory is so unceremoniously & viciously stripped away," he wrote. "Remember this day forever!"

There is no doubt that President Trump thought that the actions of the rioters were justified. In the days after January 6th, he spoke to several different advisors, and in those conversations, he minimized the seriousness of the attack.

Here is new testimony from another one of the President's senior advisors, Kellyanne Conway.

Mr. GEORGE. You said you talked to the President the next day. Tell us about that conversation on the 7th.

Ms. CONWAY. Yes. I don't think it was very long. I just said, that was just a terrible day, I'm working on a long statement. I said it's crazy.

Mr. GEORGE. What did he say?

Ms. CONWAY. "No, these people are upset. They're very upset."

Mrs. LURIA. In the days following the attack, President Trump also expressed a desire to pardon those involved in the attack. Since then, he has suggested that he will do so if he returns to the Oval Office.

In summary, President Trump lit the flame, he poured gasoline on the fire, and sat by in the White House dining room for hours watching the fire burn. Today, he still continues to fan those flames. That was his extreme dereliction of duty.

Mr. Chairman, I yield back.

Chairman THOMPSON. The gentlewoman yields back.

The Chair recognizes the gentleman from Maryland, Mr. Raskin, for an opening statement.

Mr. RASKIN. Thank you, Mr. Chairman.

I want to thank you for your extraordinary leadership of this Committee. Generations to come will praise you and the Vice Chair for your unswerving devotion to the rule of law.

Several months ago, you tasked several of our Members in a subcommittee with bringing recommendations to the full Committee about potential referrals to the Department of Justice and other authorities based on evidence of criminal and civil offenses that has come to our attention over the course of our investigation. We are now prepared to share those recommendations today.

Mr. Chairman, let me begin with some relevant background considerations to our criminal referrals. The dangerous assault on American constitutional democracy that took place on January 6, 2021, consists of hundreds of individual criminal offenses. Most such crimes are already being prosecuted by the Department of Justice.

We propose to the Committee advancing referrals where the gravity of the specific offense, the severity of its actual harm, and the centrality of the offender to the overall design of the unlawful scheme to overthrow the election compel us to speak. Ours is not a system of justice where foot soldiers go to jail and the masterminds and ring leaders get a free pass.

Mr. Chairman, as you know, our Committee had the opportunity last spring to present much of our evidence to a Federal judge, something that distinguishes our investigation from any other congressional investigation I can recall. In the context of resolving evidentiary privilege issues related to the crime-fraud doctrine, in the Eastman case, U.S. District Court Judge David Carter examined just a small subset of our evidence to determine whether it showed the likely commission of a Federal offense. The judge concluded that both former President Donald Trump and John Eastman likely violated two Federal criminal statutes. This is the starting point for our analysis today.

The first criminal statute we invoke for referral, therefore, is title 18, section 1512(c), which makes it unlawful for anyone to corruptly obstruct, influence, or impede any official proceeding of the U.S. Government. We believe that the evidence described by my colleagues today and assembled throughout our hearings warrants a criminal referral of former President Donald J. Trump, John Eastman, and others for violations of this statute. The whole purpose and obvious effect of Trump's scheme were to obstruct, influence, and impede this official proceeding, the central moment for the lawful transfer of power in the United States.

Second, we believe that there is more than sufficient evidence to refer former President Donald J. Trump, John Eastman, and others for violating title 18, section 371. This statute makes it a crime to conspire to defraud the United States, in other words, to make an agreement to impair, obstruct, or defeat the lawful functions of the U.S. Government by deceitful or dishonest means.

Former President Trump did not engage in a plan to defraud the United States acting alone. He entered into agreements, formal and informal, with several other individuals who assisted him with his criminal objectives. Our report describes in detail the actions of numerous co-conspirators who agreed with and participated in Trump's plan to impair, obstruct, and defeat the certification of President Biden's electoral victory.

That said, the subcommittee does not attempt to determine all of the potential participants in this conspiracy, as our understanding of the role of many individuals may be incomplete even today because they refused to answer our questions. We trust that the Department of Justice will be able to form a far more complete picture through its own investigation.

Third, we make a referral based on title 18, section 1001, which makes it unlawful to knowingly and willfully make materially false statements to the Federal Government. The evidence clearly suggests that President Trump conspired with others to submit slates of fake electors to Congress and the National Archives. We believe that this evidence we set forth in our report is more than sufficient for a criminal referral of former President Donald J. Trump and others in connection with this offense.

As before, we don't try to determine all of the participants in this conspiracy, many of whom refused to answer our questions while under oath. We trust that the Department of Justice will be able to form a more complete picture through its own investigation.

The fourth and final statute we invoke for referral is title 18, section 2383. The statute applies to anyone who incites, assists, or en-

gages in insurrection against the United States of America and anyone who gives aid or comfort to an insurrection.

An insurrection is a rebellion against the authority of the United States. It is a grave Federal offense anchored in the Constitution itself, which repeatedly opposes insurrections and domestic violence and indeed uses participation in insurrection by office holders as automatic grounds for disqualification from ever holding public office again at the Federal or State level.

Anyone who incites others to engage in rebelling, assists them in doing so, or gives aid and comfort to those engaged in insurrection is guilty of a Federal crime. The Committee believes that more than sufficient evidence exists for a criminal referral of former President Trump for assisting or aiding and comforting those at the Capitol who engaged in a violent attack on the United States.

The Committee has developed significant evidence that President Trump intended to disrupt the peaceful transition of power under our Constitution. The President has an affirmative and primary constitutional duty to act to take care that the laws be faithfully executed. Nothing could be a greater betrayal of this duty than to assist in insurrection against the constitutional order. The complete factual basis for this referral is set forth in detail throughout our report.

These are not the only statutes that are potentially relevant to President Trump's conduct related to the 2020 election. Depending on evidence developed by the Department of Justice, the President's actions could certainly trigger other criminal violations.

Nor are President Trump and his immediate team the only people identified for referrals in our report. As part of our investigation, we asked multiple Members of Congress to speak with us about issues critical to our understanding of this attack on the 2020 election and our system of constitutional democracy. None agreed to provide that essential information.

As a result, we took the significant step of issuing them subpoenas based on the volume of information particular Members possessed about one or more parts of President Trump's plans to overturn the election. None of the subpoenaed Members complied, and we are now referring four Members of Congress for appropriate sanction by the House Ethics Committee for failure to comply with lawful subpoenas.

Mr. Chairman, we understand the gravity of each and every referral we are making today, just as we understand the magnitude of the crime against democracy that we describe in our report. But we have gone where the facts and the law lead us, and inescapably they lead us here.

Accordingly, Mr. Chairman, in light of these facts, I ask unanimous consent that the Chairman be directed to transmit to the United States Department of Justice relevant Select Committee records in furtherance of these criminal referrals.

Chairman THOMPSON. Without objection, so ordered.

Mr. RASKIN. Thank you, Mr. Chairman. I now yield back.

Chairman THOMPSON. The gentleman yields back.

Pursuant to notice, I now call up the Select Committee's final report, pursuant to section 4(a) of House Resolution 503.

The Clerk shall designate the report.

[The clerk designated the report.]

Chairman THOMPSON. Without objection, the report will be considered read and open to amendment at any point.*

I now recognize the gentlewoman from Virginia, Mrs. Luria, for a motion.

Mrs. LURIA. Mr. Chairman, I move that the Committee favorably report to the House the Select Committee's final report, which includes the Committee's legislative recommendations and criminal referrals of Donald J. Trump and others, pursuant to section 4(a) of House Resolution 503.

Chairman THOMPSON. The question is on the motion to favorably report to the House.

Those in favor, say "aye."

Those opposed, "no."

In the opinion of the Chair, the ayes have it.

Mrs. LURIA. Mr. Chairman, I request a recorded vote.

Chairman THOMPSON. A recorded vote is requested. The clerk will call the roll.

[The clerk called the roll, and the result was announced as follows:]

Select Committee Rollcall No. 6

Motion by Mrs. Luria to Favorably Report
Agreed to: 9 ayes and 0 noes

Members	Vote
Ms. Cheney, Vice Chair	Aye
Ms. Lofgren	Aye
Mr. Schiff	Aye
Mr. Aguilar	Aye
Mrs. Murphy (FL)	Aye
Mr. Raskin	Aye
Mrs. Luria	Aye
Mr. Kinzinger	Aye
Mr. Thompson (MS), Chairman	Aye

Chairman THOMPSON. The motion is agreed to.

Without objection, a motion to reconsider is laid on the table.

Without objection, staff is authorized to make any necessary technical or conforming changes to the report to reflect the actions of the Committee.

The Chair requests those in the hearing room remain seated until the Capitol Police have escorted Members from the room.

*The Final Report of the Select Committee to Investigate the January 6th Attack on the United States Capitol is available at <https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf>.

There being no further business, without objection, the Select Committee stands adjourned.

[Whereupon, at 2:16 p.m., the Committee was adjourned.]

